

§ 510.25

29 CFR Ch. V (7–1–06 Edition)

with the Administrator a petition for review. The petition shall be accompanied by any information the employee may have to support a determination that the municipality is incorrectly categorized. In the event the Administrator determines that a tier other than that listed in appendix D of this part applies, the affected municipality shall be liable for retroactive payment of any back wages found to be due.

(e) Certain employees of municipalities or government corporations in which the average wage is less than \$4.00 per hour are eligible to be paid under Tier 4, rather than Tier 3. Tier 4 applies only to those employees employed by municipalities or government corporations who are principally engaged in one or more of the “traditional” functions listed in § 510.24 (a) or (b). All other employees of such entities must be paid in accordance with Tier 3.

[55 FR 12120, Mar. 30, 1990; 55 FR 12778, Apr. 5, 1990]

§ 510.25 Traditional functions of government.

(a) Section 6(c)(4) of the Act, as amended, limits the six-year phase-in of the statutory minimum wage (“Tier 4”) to those employees with an average wage of less than \$4.00 per hour who were brought under minimum wage coverage “pursuant to an amendment made by the Fair Labor Standards Amendments of 1985.” The Department has interpreted this language as referring to section 2(c) of the 1985 FLSA Amendments, which provided for deferred liability for minimum wage violations (until April 15, 1986) “with respect to any employee who would not have been covered under the Secretary’s special enforcement policy” published in 29 CFR 775.2 and 775.4. The latter subsection listed those functions of State or local government which were determined by the Supreme Court’s ruling in *National League of Cities v. Usery*, 426 U.S. 833 (1976) (subsequently overruled by *Garcia v. San Antonio Metropolitan Transit Authority*, 469 U.S. 528 (1985)) to be integral operations of the governments in areas of traditional governmental functions.

The listed “traditional” functions included the following:

- (1) Schools.
- (2) Hospitals.
- (3) Fire prevention.
- (4) Police protection.
- (5) Sanitation.
- (6) Public health.
- (7) Parks and recreation.
- (8) Libraries.
- (9) Museums.

(b) The Supreme Court in *National League of Cities* clearly did not limit “traditional” functions of government to those set out in paragraph (a) of this section. The Court included within this concept all those governmental services which the States and their political subdivisions have traditionally afforded their citizens, which the States have regarded as integral parts of their governmental activities, and which State and local governments are created to provide. The Department interprets the Court’s analysis of “traditional” functions as turning in large part upon whether the States or local governments had, prior to initial enactment of federal regulatory legislation applicable to a particular field of service or activity (such as FLSA), generally established themselves as providers of the services. The Department therefore views the following government functions as falling within the “traditional” category:

- (1) Finance (including Auditor, Budget and Comptroller).
- (2) Elections.
- (3) Personnel.
- (4) Public works.
- (5) Office of the Mayor.
- (6) Legal Affairs.
- (7) Planning.
- (8) Waterworks.
- (9) Social services.
- (10) Street and highway construction and maintenance.
- (11) Automobile licensing.
- (12) Sewage treatment.

(c) Employees whose primary function falls within one or more of the activities listed in paragraph (a) or (b) of this section, are therefore considered to be engaged in “traditional” functions of government. This would include employees who provide support functions for such activities, such as

Wage and Hour Division, Labor

Pt. 510, App. A

clerical, secretarial, supply and janitorial.

(d) No employees of a municipality or government corporation may be paid in accordance with the Tier 4 phase-in schedule unless the employee:

(1) Is engaged in one of the specific activities listed in paragraphs (a) and (b) of this section, and

(2) Is employed by a municipality or government corporation in which the average wage is less than \$4.00 per hour.

APPENDIX A TO PART 510—MANUFACTURING INDUSTRIES ELIGIBLE FOR MINIMUM WAGE PHASE-IN

This appendix contains a listing of all manufacturing industries for which data were collected and compiled by the Commonwealth of Puerto Rico for purposes of implementing the 1989 Amendments to FLSA. This listing follows the order and classifications used in the *SIC Manual, 1987*, which is incorporated by reference in these regulations (§510.21).

The data in this appendix are presented by major industry group (two-digit classification), industry group number (three-digit classification), and industry number (four-digit classification). Tiers will not be listed for industry categories in which there were fewer than three employers, in conformance with standard procedures used by the Commonwealth of Puerto Rico in collecting and publishing these data until such time as Puerto Rico receives appropriate waivers of confidentiality from all employers in such categories. These categories are noted with an "a" on the following table. In addition, no tier will be listed where an industry was not included in the original survey, because it was not in existence, because the industry was too small to be included, or for other reasons.

Employers who do not find the four-digit classification for their industry shall refer to

the appropriate three-digit classification under which their establishment falls. If the appropriate three-digit classification is not listed, employers shall refer to the appropriate two-digit classification. For example, no tier is listed for industry number 2034, dried and dehydrated fruits, vegetables, and soup mixes. Thus, an employer in industry 2034 must use the tier listed for industry group 203, i.e. Tier 2.

Further, employers who find the appropriate four-digit designation in this appendix *must* use that designation and cannot refer to a two- or three-digit classification. For example, an employer in industry number 2033, canned fruits, vegetables, preserves, jams, and jellies, which has a Tier 1 designation, cannot use the Tier 2 designation of industry group 203, canned, frozen, and preserved fruits, vegetables, and food specialties.

If no four-digit, three-digit, or two-digit classification is listed for an industry, employees in that group must pay the Tier 1 rates.

Important: In referring to this appendix to determine appropriate tier designations, please note that certain categories of employees are subject to treatment under Tier 1 regardless of the average hourly wage rate for the industry and the tier designation contained herein. These employees, as listed in the 1989 Amendments, are those employed by:

(a) The United States

(b) An establishment that is a hotel, motel, or restaurant, or

(c) Any other retail or service establishment that employs such employee in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of clubs.

Please note that these named categories may not correspond exactly to categories established by the SIC manual.

MANUFACTURING INDUSTRIES

Major group	Industry group number	Industry number	Tier	Industry
20 .....	.....	.....	1	Food and kindred products.
	201 .....	.....	2	Meat products.
		2011	2	Meat packing plants.
		2013	1	Sausages and other prepared meat products.
		2015	2	Poultry slaughtering and processing.
	202 .....	.....	1	Dairy products.
		2022	a	Natural, processed, and imitation cheese.
		2023	1	Dry, condensed, and evaporated dairy products.
		2024	1	Ice cream and frozen desserts.
		2026	1	Fluid milk.
	203 .....	.....	2	Canned, frozen, and preserved fruits, vegetables, and food specialties.
		2032	a	Canned specialties.
		2033	1	Canned fruits, vegetables, preserves, jams, and jellies.

MANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
	.....	2035	3	Pickled fruits and vegetables, vegetable sauces and seasonings, and salad dressings.
	.....	2037	2	Frozen fruits, fruit juices, and vegetables.
	.....	2038	3	Frozen specialties, not elsewhere classified.
	204	.....	1	Grain mill products.
	.....	2041	a	Flour and other grain mill products.
	.....	2043	a	Cereal breakfast foods.
	.....	2044	1	Rice milling.
	.....	2045	1	Prepared flour mixes and doughs.
	.....	2046	1	Wet corn milling.
	.....	2048	1	Prepared feeds and feed ingredients for animals and fowls, except dogs and cats.
	205	.....	1	Bakery products.
	.....	2051	1	Bread and other bakery products, except cookies and crackers.
	.....	2052	1	Cookies and crackers.
	.....	2053	a	Frozen bakery products, except bread.
	206	.....	1	Sugar and confectionery products.
	.....	2061	1	Cane sugar, except refining.
	.....	2062	a	Cane sugar refining.
	.....	2064	1	Candy and other confectionery products.
	.....	2066	3	Chocolate and cocoa products.
	.....	2067	a	Chewing gum.
	208	.....	1	Beverages.
	.....	2082	1	Malt beverages.
	.....	2084	3	Wines, brandy, and brandy spirits.
	.....	2085	1	Distilled and blended liquors.
	.....	2086	1	Bottled and canned soft drinks and carbonated waters.
	.....	2087	1	Flavoring extracts and flavoring syrups, not elsewhere classified.
	209	.....	1	Miscellaneous food preparations and kindred products.
	.....	2091	1	Canned and cured fish and seafoods.
	.....	2095	2	Roasted coffee.
	.....	2096	1	Potato chips, corn chips, and similar snacks.
	.....	2097	3	Manufactured ice.
	.....	2098	a	Macaroni, spaghetti, vermicelli, and noodles.
	.....	2099	2	Food preparations, not elsewhere classified.
21	.....	.....	1	Tobacco products.
	211	.....	a	Cigarettes.
	.....	2111	a	Cigarettes.
	212	.....	1	Cigars.
	.....	2121	1	Cigars.
	213	.....	1	Chewing and smoking tobacco and snuff.
	.....	2131	1	Chewing and smoking tobacco and snuff.
	214	.....	a	Tobacco stemming and redrying.
	.....	2141	a	Tobacco stemming and redrying.
22	.....	.....	1	Textile mill products.
	221	.....	1	Broadwoven fabric mills, cotton.
	.....	2211	1	Broadwoven fabric mills, cotton.
	224	.....	1	Narrow fabric and other smallwares mills: cotton, wool, silk, and manmade fiber.
	.....	2241	1	Narrow fabric and other smallwares mills: cotton, wool, silk, and manmade fiber.
	225	.....	2	Knitting mills.
	.....	2251	1	Women's full-length and knee-length hosiery, except socks.
	.....	2253	2	Knit outerwear mills.
	.....	2254	3	Knit underwear and nightwear mills.
	226	.....	1	Dyeing and finishing textiles, except wool fabrics and knit goods.
	.....	2261	3	Finishers of broadwoven fabrics of cotton.
	.....	2262	1	Finishers of broadwoven fabrics of manmade fiber and silk.
	227	.....	1	Carpets and rugs.
	.....	2273	1	Carpets and rugs.
	228	.....	3	Yarn and thread mills.
	.....	2281	3	Yarn spinning mills.
23	.....	.....	2	Apparel and other finished products made from fabrics and similar materials.
	231	.....	3	Men's and boys' suits, coats, and overcoats.
	.....	2311	3	Men's and boys' suits, coats, and overcoats.
	232	.....	2	Men's and boys' furnishings, work clothing, and allied garments.
	.....	2321	2	Men's and boys' shirts except work shirts.
	.....	2322	1	Men's and boys' underwear and nightwear.
	.....	2323	2	Men's and boys' neckwear.
	.....	2325	2	Men's and boys' separate trousers and slacks.

MANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
	.....	2326	3	Men's and boys' work clothing.
	.....	2329	3	Men's and boys' clothing, not elsewhere classified.
	233 .....	.....	3	Women's, misses', and juniors' outerwear.
	.....	2331	3	Women's, misses', and juniors' blouses and shirts.
	.....	2335	3	Women's, misses', and juniors' dresses.
	.....	2337	3	Women's, misses', and juniors' suits, skirts, and coats.
	.....	2339	2	Women's, misses', and juniors' outerwear, not elsewhere classified.
	234 .....	.....	2	Women's, misses', children's, and infants' undergarments.
	.....	2341	2	Women's, misses', children's, and infants' underwear and nightwear.
	.....	2342	2	Brassieres, girdles, and allied garments.
	235 .....	.....	3	Hats, caps, and millinery
	.....	2353	3	Hats, caps, and millinery
	236 .....	.....	3	Girls', children's, and infants' outerwear.
	.....	2361	3	Girls', children's, and infants' dresses, blouses, and shirts.
	.....	2369	3	Girls', children's, and infants' outerwear, not elsewhere classified.
	238 .....	.....	3	Miscellaneous apparel and accessories.
	.....	2385	3	Waterproof outerwear.
	.....	2387	3	Apparel belts.
	.....	2389	3	Apparel and accessories, not elsewhere classified.
	239 .....	.....	3	Miscellaneous fabricated textile products.
	.....	2391	2	Curtains and draperies.
	.....	2392	3	Housefurnishings, except curtains and draperies.
	.....	2393	3	Textile bags.
	.....	2395	2	Pleating, decorative and novelty stitching, and tucking for the trade.
	.....	2396	2	Automotive trimmings, apparel findings, and related products.
	.....	2399	3	Fabricated textile products, not elsewhere classified.
24 .....	.....	.....	2	Lumber and wood products, except furniture.
	242 .....	.....	3	Sawmills and planing mills.
	.....	2421	3	Sawmills and planing mills, general.
	243 .....	.....	2	Millwork, veneer, plywood, and structural wood members.
	.....	2431	2	Millwork.
	.....	2434	2	Wood kitchen cabinets.
	.....	2435	a	Hardwood veneer and plywood.
	244 .....	.....	3	Wood containers.
	.....	2448	3	Wood pallets and skids.
	245 .....	.....	3	Wood buildings and mobile homes.
	.....	2451	3	Mobile homes.
	249 .....	.....	2	Miscellaneous wood products.
	.....	2491	2	Wood preserving.
	.....	2499	2	Wood products, not elsewhere classified.
25 .....	.....	.....	2	Furniture and fixtures.
	251 .....	.....	3	Household furniture.
	.....	2511	3	Wood household furniture, except upholstered.
	.....	2512	3	Wood household furniture, upholstered.
	.....	2514	3	Metal household furniture.
	.....	2515	2	Mattresses, foundations, and convertible beds.
	.....	2517	3	Wood television, radio, phonograph, and sewing machine cabinets.
	.....	2519	3	Household furniture, not elsewhere classified.
	252 .....	.....	2	Office furniture.
	.....	2521	a	Wood office furniture.
	.....	2522	2	Office furniture, except wood.
	253 .....	.....	3	Public building and related furniture.
	.....	2531	3	Public building and related furniture.
	254 .....	.....	1	Partitions, shelving, lockers, and office and store fixtures.
	.....	2541	2	Wood office and store fixtures, partitions, shelving, and lockers.
	.....	2542	1	Office and store fixtures, partitions, shelving, and lockers, except wood.
	259 .....	.....	2	Miscellaneous furniture and fixtures.
	.....	2591	3	Drapery hardware and window blinds and shades.
	.....	2599	a	Furniture and fixtures, not elsewhere classified.
26 .....	.....	.....	1	Paper and allied products.
	261 .....	.....	1	Pulp mills.
	.....	2611	1	Pulp mills.
	262 .....	.....	2	Paper mills.
	.....	2621	2	Paper mills.
	263 .....	.....	a	Paperboard mills.
	.....	2631	a	Paperboard mills.
	265 .....	.....	1	Paperboard containers and boxes.
	.....	2652	1	Setup paperboard boxes.
	.....	2653	1	Corrugated and solid fiber boxes.
	.....	2655	1	Fiber cans, tubes, drums, and similar products.

MANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
27	.....	2657	1	Folding paperboard boxes, including sanitary.
	267	.....	1	Converted paper and paperboard products, except containers and boxes.
	.....	2671	2	Packaging paper and plastics film, coated and laminated.
	.....	2672	a	Coated and laminated paper, not elsewhere classified.
	.....	2673	2	Plastics, foil, and coated paper bags.
	.....	2674	1	Uncoated paper and multiwall bags.
	.....	2676	1	Sanitary paper products.
	.....	2677	1	Envelopes.
	.....	2678	3	Stationery, tablets, and related products.
	.....	2679	a	Converted paper and paperboard products, not elsewhere classified.
	271	.....	1	Printing, publishing, and allied industries.
	.....	2711	1	Newspapers: publishing, or publishing and printing.
	.....	2711	1	Newspapers: publishing, or publishing and printing.
	273	.....	a	Books.
	.....	2731	a	Books: publishing, or publishing and printing.
	.....	2732	3	Book printing.
	274	.....	1	Miscellaneous publishing.
	.....	2741	1	Miscellaneous publishing.
	275	.....	1	Commercial printing.
	.....	2752	1	Commercial printing, lithographic.
	.....	2754	1	Commercial printing, gravure.
	.....	2759	1	Commercial printing, not elsewhere classified.
	276	.....	1	Manifold business forms.
	.....	2761	1	Manifold business forms.
	278	.....	1	Blankbooks, looseleaf binders, and bookbinding and related work.
	.....	2782	1	Blankbooks, looseleaf binders and devices.
	279	.....	1	Service industries for the printing trade.
	.....	2796	1	Platemaking and related services.
28	.....	281	1	Chemicals and allied products.
	.....	281	1	Industrial inorganic chemicals.
	.....	2813	1	Industrial gases.
	.....	2819	1	Industrial inorganic chemicals, not elsewhere classified.
	282	.....	1	Plastics materials and synthetic resins, synthetic rubber, cellulosic and other manmade fibers, except glass.
	.....	2821	a	Plastics materials, synthetic resins, and nonvulcanizable elastomers.
	.....	2822	2	Synthetic rubber (vulcanizable elastomers).
	283	.....	1	Drugs.
	.....	2833	1	Medicinal chemicals and botanical products.
	.....	2834	1	Pharmaceutical preparations.
	.....	2835	1	In vitro and in vivo diagnostic substances.
	.....	2836	1	Biological products, except diagnostic substances.
	284	.....	1	Soap, detergents, and cleaning preparations; perfumes, cosmetics, and other toilet preparations.
	.....	2841	1	Soap and other detergents, except specialty cleaners.
	.....	2842	1	Specialty cleaning, polishing, and sanitation preparations.
	.....	2844	1	Perfumes, cosmetics, and other toilet preparations.
	285	.....	1	Paints, varnishes, lacquers, enamels, and allied products.
	.....	2851	1	Paints, varnishes, lacquers, enamels, and allied products.
	286	.....	1	Industrial organic chemicals.
	.....	2865	1	Cyclic organic crudes and intermediates, and organic dyes and pigments.
	.....	2869	a	Industrial organic chemicals, not elsewhere classified.
	287	.....	1	Agricultural chemicals.
	.....	2873	1	Nitrogenous fertilizers.
	.....	2879	1	Pesticides and agricultural chemicals, not elsewhere classified.
	289	.....	1	Miscellaneous chemical products.
	.....	2891	1	Adhesives and sealants.
	.....	2899	1	Chemicals and chemical preparations, not elsewhere classified.
29	.....	291	1	Petroleum refining and related industries.
	.....	291	1	Petroleum refining.
	.....	2911	1	Petroleum refining.
	295	.....	1	Asphalt paving and roofing materials.
	.....	2951	1	Asphalt paving mixtures and blocks.
30	.....	2952	1	Asphalt felts and coatings.
	299	.....	a	Miscellaneous products of petroleum and coal.
	.....	2992	a	Lubricating oils and greases.
	302	.....	1	Rubber and miscellaneous plastics products.
	.....	302	1	Rubber and plastics footwear.
30	.....	3021	1	Rubber and plastics footwear.
	305	.....	2	Gaskets, packing, and sealing devices and rubber and plastics hose and belting.

Wage and Hour Division, Labor

Pt. 510, App. A

MANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
31 .....	.....	3052	2	Rubber and plastics hose and belting.
	306	.....	2	Fabricated rubber products, not elsewhere classified.
	.....	3069	2	Fabricated rubber products, not elsewhere classified.
	308	.....	1	Miscellaneous plastics products.
	.....	3081	a	Unsupported plastics film and sheet.
	.....	3082	3	Unsupported plastics profile shapes.
	.....	3083	1	Laminated plastics plate, sheet, and profile shapes.
	.....	3084	a	Plastics pipe.
	.....	3085	1	Plastics bottles.
	.....	3086	2	Plastics foam products.
	.....	3087	3	Custom compounding of purchased plastics resin.
	.....	3088	1	Plastics plumbing fixtures.
	.....	3089	1	Plastics products, not elsewhere classified.
	313	.....	2	Leather and leather products.
	.....	3131	2	Boot and shoe cut stock and findings.
	314	.....	2	Footwear, except rubber.
	.....	3142	b	House slippers.
	.....	3143	2	Men's footwear, except athletic.
	.....	3144	1	Women's footwear, except athletic.
	.....	3149	2	Footwear, except rubber, not elsewhere classified.
	315	.....	3	Leather gloves and mittens.
	.....	3151	3	Leather gloves and mittens.
	316	.....	3	Luggage.
	.....	3161	3	Luggage.
	317	.....	2	Handbags and other personal leather goods.
	.....	3171	3	Women's handbags and purses.
	.....	3172	1	Personal leather goods, except women's handbags and purses.
32 .....	.....	.....	1	Stone, clay, glass, and concrete products.
	321	.....	2	Flat glass.
	.....	3211	2	Flat glass.
	322	.....	1	Glass and glassware, pressed or blown.
	.....	3221	1	Glass containers.
	323	.....	1	Glass products, made of purchased glass.
	.....	3231	1	Glass products, made of purchased glass.
	324	.....	1	Cement, hydraulic.
	.....	3241	1	Cement, hydraulic.
	326	.....	3	Pottery and related products.
	.....	3261	3	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories.
	3269	.....	3	Pottery products, not elsewhere classified.
	327	.....	1	Concrete, gypsum, and plaster products.
	.....	3271	2	Concrete block and brick.
	.....	3272	1	Concrete products, except block and brick.
33 .....	.....	3273	1	Ready-mixed concrete.
	.....	3274	1	Lime.
	.....	3275	a	Gypsum products.
	328	.....	1	Cut stone and stone products.
	.....	3281	1	Cut stone and stone products.
	329	.....	1	Abrasive, asbestos, and miscellaneous nonmetallic mineral products.
	.....	3295	a	Minerals and earths, ground or otherwise treated.
	.....	3296	1	Mineral wool.
	331	.....	1	Primary metal industries.
	.....	3312	1	Steel works, blast furnaces, and rolling and finishing mills.
	.....	3317	1	Steel works, blast furnaces (including coke ovens), and rolling mills.
	334	.....	1	Steel pipe and tubes.
	.....	3341	1	Secondary smelting and refining of nonferrous metals.
	335	.....	1	Secondary smelting and refining of nonferrous metals.
34 .....	.....	3351	1	Rolling, drawing, and extruding of nonferrous metals.
	.....	3353	1	Rolling, drawing, and extruding of copper.
	.....	3354	a	Aluminum sheet, plate, and foil.
	336	.....	1	Aluminum extruded products.
	.....	3365	a	Nonferrous foundries (castings).
	339	.....	a	Aluminum foundries.
	.....	3398	1	Miscellaneous primary metal products.
	.....	3399	a	Metal heat treating.
	341	.....	1	Primary metal products, not elsewhere classified.
	.....	3411	1	Fabricated metal products, except machinery and transportation equipment.
34 .....	.....	.....	1	Metal cans and shipping containers.
	.....	.....	1	Metal cans.

MANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
35	.....	3412	1	Metal shipping barrels, drums, kegs, and pails.
	342	.....	1	Cutlery, handtools, and general hardware.
	.....	3421	3	Cutlery.
	.....	3423	a	Hand and edge tools, except machine tools and handsaws.
	.....	3429	a	Hardware, not elsewhere classified.
	343	.....	2	Heating equipment, except electric and warm air; and plumbing fixtures.
	.....	3433	2	Heating equipment, except electric and warm air furnaces.
	344	.....	2	Fabricated structural metal products.
	.....	3441	1	Fabricated structural metal.
	.....	3442	2	Metal doors, sash, frames, molding, and trim.
	.....	3443	1	Fabricated plate work (boiler shops).
	.....	3444	2	Sheet metal work.
	.....	3446	3	Architectural and ornamental metal work.
	.....	3449	2	Miscellaneous structural metal work.
	345	.....	1	Screw machine products, and bolts, nuts, screws, rivets, and washers.
	.....	3452	1	Bolts, nuts, screws, rivets, and washers.
	346	.....	1	Metal forgings and stampings.
	.....	3469	1	Metal stampings, not elsewhere classified.
	347	.....	2	Coating, engraving, and allied services.
	.....	3471	2	Electroplating, plating, polishing, anodizing and coloring.
	349	.....	2	Miscellaneous fabricated metal products.
	.....	3494	1	Valves and pipe fittings, not elsewhere classified.
	.....	3495	2	Wire springs.
	.....	3496	1	Miscellaneous fabricated wire products.
	.....	3498	a	Fabricated pipe and pipe fittings.
	.....	3499	2	Fabricated metal products, not elsewhere classified.
	.....	.....	1	Industrial and commercial machinery and computer equipment.
	353	.....	a	Construction, mining, and materials handling machinery and equipment.
	.....	3535	a	Conveyors and conveying equipment.
	354	.....	1	Metalworking machinery and equipment.
	.....	3541	a	Machine tools, metal cutting types.
	.....	3544	1	Special dies and tools, die sets, jigs and fixtures, and industrial molds.
	.....	3545	1	Cutting tools, machine tool accessories, and machinists' precision measuring devices.
	355	.....	1	Special industry machinery, except metalworking machinery.
	.....	3555	1	Printing trades machinery and equipment.
	356	.....	1	General industrial machinery and equipment.
	.....	3562	a	Ball and roller bearings.
	.....	3563	1	Air and gas compressors.
	.....	3564	a	Industrial and commercial fans and blowers and air purification equipment.
	.....	3568	1	Mechanical power transmission equipment, not elsewhere classified.
	.....	3569	1	General industrial machinery and equipment, not elsewhere classified.
	357	.....	1	Computer and office equipment.
	.....	3571	3	Electronic computers.
	.....	3572	1	Computer storage devices.
	.....	3577	1	Computer peripheral equipment, not elsewhere classified.
	.....	3579	1	Office machines, not elsewhere classified.
	358	.....	1	Refrigeration and service industry machinery.
	.....	3585	1	Air-conditioning and warm air heating equipment and commercial and industrial refrigeration equipment.
	.....	3589	b	Service industry machinery, not elsewhere classified.
	359	.....	2	Miscellaneous industrial and commercial machinery and equipment.
	.....	3592	2	Carburetors, pistons, piston rings, and valves.
	.....	3596	a	Scales and balances, except laboratory.
	.....	3599	1	Industrial and commercial machinery and equipment, not elsewhere classified.
36	.....	.....	1	Electronic and other electrical equipment and components, except computer equipment.
	361	.....	1	Electronic transmission and distribution equipment.
	.....	3612	1	Power, distribution, and specialty transformers.
	.....	3613	1	Switchgear and switchboard apparatus.
	362	.....	1	Electrical industrial apparatus.
	.....	3621	1	Motors and generators.
	.....	3624	1	Carbon and graphite products.
	.....	3625	1	Relays and industrial controls.
	.....	3629	1	Electrical industrial apparatus, not elsewhere classified.
	363	.....	a	Household appliances.
36	.....	3639	a	Household appliances, not elsewhere classified.
	364	.....	1	Electric lighting and wiring equipment.
	.....	3641	1	Electric lamp bulbs and tubes.

MANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
37	.....	3643	1	Current-carrying wiring devices.
	.....	3644	1	Noncurrent-carrying wiring devices.
	.....	3645	a	Residential electric lighting fixtures.
	.....	3646	2	Commercial, industrial, and institutional electric lighting fixtures.
	.....	3648	2	Lighting equipment, not elsewhere classified.
	365	.....	1	Household audio and video equipment, and audio recordings.
	.....	3651	1	Household audio and video equipment.
	.....	3652	a	Phonograph records and pre-recorded audio tapes and disks.
	366	.....	1	Communications equipment.
	.....	3661	1	Telephone and telegraph apparatus.
	.....	3663	1	Radio and television broadcasting and communications equipment.
	.....	3669	1	Communications equipment, not elsewhere classified.
	367	.....	1	Electronic components and accessories.
	.....	3672	2	Printed circuit boards.
	.....	3674	1	Semiconductors and related devices.
	.....	3677	2	Electronic coils, transformers and other inductors.
	.....	3678	1	Electronic connectors.
	.....	3679	1	Electronic components, not elsewhere classified.
	369	.....	1	Miscellaneous electrical machinery, equipment, and supplies.
	.....	3692	1	Primary batteries, dry and wet.
	.....	3694	1	Electrical equipment for internal combustion engines.
	.....	.....	1	Transportation Equipment.
	371	.....	1	Motor vehicles and motor vehicle equipment.
	.....	3713	1	Truck and bus bodies.
	.....	3714	1	Motor vehicle parts and accessories.
	372	.....	1	Aircraft and parts.
	.....	3721	a	Aircraft.
	.....	3728	1	Aircraft parts and auxiliary equipment, not elsewhere classified.
	373	.....	1	Ship and boat building and repairing.
	.....	3731	a	Ship building and repairing.
	.....	3732	2	Boat building and repairing.
	379	.....	a	Miscellaneous transportation equipment.
	.....	3792	a	Travel trailers and campers.
38	.....	.....	1	Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods, watches and clocks.
	381	.....	1	Search, detection, navigation, guidance, aeronautical, and nautical systems, instruments, and equipment.
	.....	3812	1	Search, detection, navigation, guidance, aeronautical, and nautical systems, instruments, and equipment.
	382	.....	1	Laboratory apparatus and analytical, optical, measuring, and controlling instrument.
	.....	3821	1	Laboratory apparatus and furniture.
	.....	3822	1	Automatic controls for regulating residential and commercial environments and appliances.
	.....	3823	1	Industrial instruments for measurement, display, and control of process variables; and related products.
	.....	3824	a	Totalizing fluid meters and counting devices.
	.....	3825	1	Instruments for measuring and testing of electricity and electrical signals.
	.....	3829	2	Measuring and controlling devices, not elsewhere classified.
39	384	.....	1	Surgical, medical, and dental instruments and supplies.
	.....	3841	1	Surgical and medical instruments and apparatus.
	.....	3842	1	Orthopedic, prosthetic, and surgical appliances and supplies.
	.....	3843	1	Dental equipment and supplies.
	.....	3844	a	X-ray apparatus and tubes and related irradiation apparatus.
	.....	3845	1	Electromedical and electrotherapeutic apparatus.
	385	.....	1	Ophthalmic goods.
	.....	3851	1	Ophthalmic goods.
	386	.....	a	Photographic equipment and supplies.
	.....	3861	a	Photographic equipment and supplies.
	387	.....	1	Watches, clocks, clockwork operated devices, and parts.
	.....	3873	1	Watches, clocks, clockwork operated devices, and parts.
	.....	.....	1	Miscellaneous manufacturing industries.
	391	.....	1	Jewelry, silverware, and plated ware.
	.....	3911	1	Jewelry, precious metal.
	.....	3914	a	Silverware, plated ware, and stainless steel ware.
	.....	3915	1	Jewelers' findings and materials, and lapidary work.
	394	.....	2	Dolls, toys, games, and sporting and athletic goods.
	.....	3942	2	Dolls and stuffed toys.
	.....	3949	2	Sporting and athletic goods, not elsewhere classified.
	395	.....	2	Pens, pencils, and other artists' materials.

MANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
	3951	3	Pens, mechanical pencils, and parts.
	3952	a	Lead pencils, crayons, and artists' materials.
	3953	1	Marking devices.
	396 .....	.....	1	Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metal.
	3961	1	Costume jewelry and costume novelties, except precious metal.
	3965	a	Fasteners, buttons, needles, and pins.
	399 .....	.....	1	Miscellaneous manufacturing industries.
	3991	a	Brooms and brushes.
	3993	2	Signs and advertising specialties.
	3995	2	Burial caskets.
	3999	2	Manufacturing industries, not elsewhere classified.

a=Category contained less than three employers.

[55 FR 12120, Mar. 30, 1990; 55 FR 12778, Apr. 5, 1990, as amended at 55 FR 39575, Sept. 27, 1990; 57 FR 1103, Jan. 10, 1992]

APPENDIX B TO PART 510—NONMANUFACTURING INDUSTRIES ELIGIBLE FOR MINIMUM WAGE PHASE-IN

This appendix contains a listing of all non-manufacturing industries (except those in major groups 01, 02, 08, and 09, pertaining to agriculture) for which data were collected and compiled by the Commonwealth of Puerto Rico for purposes of implementing the 1989 Amendments to FLSA. This listing follows the order and classifications used in the *SIC Manual, 1987*, which is incorporated by reference in these regulations (§510.21).

The data in this appendix are presented by major industry group (two-digit classification), industry group number (three-digit classification), and industry number (four-digit classification).

Tiers will not be listed for industry categories in which there were fewer than three responding employers, or one responding employer had more than 80 percent of the employment in the category, in conformance with practices of the U.S. Bureau of Labor Statistics in collecting and publishing similar data, until such time as Puerto Rico receives appropriate waivers of confidentiality from all employers in such categories. These categories are noted with an "a" on the following table. In situations where one or more employers declined to furnish a waiver, categories are noted with a "b" on the following table.

In addition, no tier will be listed where an industry was not included in the original survey because it was not in existence, because the industry was too small to be included, or for other reasons.

Employers who do not find the four-digit classification for their industry shall refer to the appropriate three-digit classification under which their establishment falls. If the appropriate three-digit classification is not

listed, employers shall refer to the appropriate two-digit classification.

For example, no tier is listed for industry number 1423, crushed and broken granite. However, a tier is listed for industry group 142, crushed and broken stone, including riprap. Thus, an employer in industry 1423 must use the tier listed for industry group 142, *i.e.*, Tier 1. Furthermore, employers who find the appropriate four-digit designation in this appendix *must* use that designation and cannot refer to a two- or three-digit classification. For example, an employer with industry number 5719, miscellaneous homefurnishings stores, which has a Tier 1 designation, cannot refer to industry group number 571, home furniture and furnishings stores, which has a Tier 2 designation.

Important: In referring to this appendix to determine appropriate tier designations, please note that certain categories of employees are subject to treatment under Tier 1 regardless of the average hourly wage rate for the industry and the tier designation contained herein. These employees, as listed in the 1989 Amendments, are those employed by:

- (a) The United States,
- (b) An establishment that is a hotel, motel, or restaurant, or
- (c) Any other retail or service establishment that employs such employee in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of clubs.

Please note that these named categories may not correspond exactly to categories established by the SIC manual.

Wage and Hour Division, Labor

Pt. 510, App. B

If no four-digit, three-digit, or two-digit classification is listed for an industry, employers in that group must pay the Tier 1 rates.

NONMANUFACTURING INDUSTRIES

Major group	Industry group number	Industry number	Tier	Industry
01 .....	.....	.....	3	Agricultural production—crops.
	011	.....	3	Cash grains.
	.....	0119	3	Cash grains, not elsewhere classified.
	013	.....	3	Field crops, except cash grains.
	.....	0133	3	Sugarcane and sugar beets.
	.....	0139	3	Field crops, except cash grains, not elsewhere classified.
	016	.....	3	Vegetables and melons.
	.....	0161	3	Vegetables and melons.
	017	.....	3	Fruits and tree nuts.
	.....	0174	3	Citrus fruits.
	.....	0179	3	Fruits and tree nuts, not elsewhere classified.
	018	.....	3	Horticultural specialties.
	.....	0181	3	Ornamental floriculture and nursery products.
	019	.....	3	General farms, primarily crop.
	.....	0191	3	General farms, primarily crop.
02 .....	.....	.....	3	Agricultural production—livestock and animal specialties.
	021	.....	3	Livestock, except dairy and poultry.
	.....	0211	3	Beef cattle feedlots.
	.....	0213	3	Hogs.
	024	.....	3	Dairy farms.
	.....	0241	3	Dairy farms.
	025	.....	3	Poultry and eggs.
	.....	0251	3	Broiler, fryer, and roaster chickens.
	.....	0252	3	Chicken eggs.
	.....	0254	2	Poultry hatcheries.
	027	.....	3	Animal specialties.
	.....	0271	3	Fur-bearing animals and rabbits.
	.....	0272	2	Horse and other equines.
	.....	0273	3	Animal aquaculture.
	.....	0279	3	Animal specialties, not else where classified.
07 .....	.....	.....	3	Agricultural services.
	072	.....	3	Crop services.
	.....	0723	3	Crop preparation services for market, except cotton ginning.
	074	.....	2	Veterinary services.
	075	.....	a	Animal services except veterinary.
	.....	0751	a	Livestock services, except veterinary.
	078	.....	3	Landscape and horticultural services.
14 .....	.....	.....	1	Mining and quarrying of nonmetallic minerals, except fuels.
	.....	1422	2	Crushed and broken limestone.
	.....	1429	1	Crushed and broken stone, not elsewhere classified.
	144	.....	1	Sand and gravel.
	.....	1442	1	Construction sand and gravel.
15 .....	.....	.....	1	Building construction-general contractors and operative builders.
	152	.....	1	General building contractors-residential buildings.
	154	.....	1	General building contractors-nonresidential buildings.
16 .....	.....	.....	1	Heavy construction other than building construction-contractors.
	161	.....	1	Highway and street construction, except elevated highways.
	.....	1611	1	Highway and street construction, except elevated highways.
	162	.....	1	Heavy construction, except highway and street construction.
	.....	1622	1	Bridge, tunnel, and elevated highway construction.
	.....	1623	1	Water, sewer, pipeline, and communications and power line construction.
	.....	1629	a	Heavy construction, not elsewhere classified.
17 .....	.....	.....	1	Construction-special trade contractors.
	171	.....	1	Plumbing, heating and air-conditioning.
	.....	1711	1	Plumbing, heating and air-conditioning.
	172	.....	2	Painting and paper hanging.
	.....	1721	2	Painting and paper hanging.
	173	.....	1	Electrical work.
	.....	1731	1	Electrical work.
	174	.....	1	Masonry, stonework, tile setting, and plastering.
	.....	1741	1	Masonry, stone setting, and other stone work.
	.....	1742	1	Plastering, drywall, acoustical, and insulation work.
	.....	1743	1	Terrazzo, tile, marble, and mosaic work.
	175	.....	a	Carpentry and floor work.
	.....	1751	a	Carpentry work.
	176	.....	2	Roofing, siding, and sheet metal work.
	.....	1761	2	Roofing, siding, and sheet metal work.

NONMANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
	179	.....	1	Miscellaneous special trade contractors.
	.....	1791	1	Structural steel erection.
	.....	1793	2	Glass and glazing work.
	.....	1794	a	Excavation work.
	.....	1795	a	Wrecking and demolition work.
	.....	1796	1	Installation or erection of building equipment, not elsewhere classified.
	.....	1799	1	Special trade contractors, not elsewhere classified.
41 .....	.....	.....	3	Local and suburban transit and interurban highway passenger transportation.
	411	.....	2	Local and suburban passenger transportation.
	.....	4111	2	Local and suburban transit.
	412	.....	3	Taxicabs.
	.....	4121	3	Taxicabs.
	413	.....	3	Intercity and rural bus transportation.
	.....	4131	3	Intercity and rural bus transportation.
	415	.....	a	School buses.
	.....	4151	a	School buses.
42 .....	.....	.....	1	Motor freight transportation and warehousing.
	421	.....	1	Trucking and courier services, except air.
	422	.....	1	Public warehousing and storage.
	.....	4221	1	Farm product warehousing and storage.
	.....	4222	a	Refrigerated warehousing and storage.
	.....	4225	1	General warehousing and storage.
	.....	4226	1	Special warehousing and storage, not elsewhere classified.
44 .....	.....	.....	1	Water transportation.
	442	.....	a	Deep sea domestic transportation of freight.
	.....	4424	a	Deep sea domestic transportation of freight.
	444	.....	1	Water transportation of freight, not elsewhere classified.
	.....	4449	1	Water transportation of freight, not elsewhere classified.
	449	.....	1	Services incidental to water transportation.
	.....	4491	1	Marine cargo handling.
	.....	4492	a	Towing and tugboat services.
	.....	4499	1	Water transportation services, not elsewhere classified.
45 .....	.....	.....	1	Transportation by air.
	451	.....	1	Air transportation, scheduled, and air courier services.
	.....	4512	1	Air transportation, scheduled.
	452	.....	a	Air transportation, nonscheduled.
	.....	4522	a	Air transportation, nonscheduled.
	458	.....	a	Airports, flying fields, and airport terminal services.
	.....	4581	a	Airports, flying fields, and airport terminal services.
46 .....	.....	.....	a	Pipelines, except natural gas.
	461	.....	1	Pipelines, except natural gas.
	.....	4613	1	Refined petroleum pipelines.
47 .....	.....	.....	1	Transportation services.
	472	.....	1	Arrangement of passenger transportation.
	.....	4729	1	Arrangement of passenger transportation, not elsewhere classified.
	473	.....	1	Arrangement of transportation of freight and cargo.
	.....	4731	1	Arrangement of transportation of freight and cargo.
	478	.....	1	Miscellaneous services incidental to transportation.
	.....	4785	1	Fixed facilities and inspection and weighing services for motor vehicle transportation.
48 .....	.....	.....	1	Communications.
	482	.....	b	Telegraph and other message communications.
	.....	4822	b	Telegraph and other message communications.
	483	.....	1	Radio and television broadcasting stations.
	.....	4832	1	Radio broadcasting stations.
	.....	4833	1	Television broadcasting stations.
	489	.....	3	Communications services, not elsewhere classified.
	.....	4899	3	Communications services, not elsewhere classified.
49 .....	.....	.....	1	Electric, gas and sanitary services.
	492	.....	1	Gas production and distribution.
	.....	4923	1	Natural gas transmission and distribution.
	.....	4925	1	Mixed, manufactured, or liquefied petroleum gas production and/or distribution.
	495	.....	1	Sanitary services.
	.....	4953	1	Refuse systems.
	497	.....	a	Irrigation systems.
	.....	4971	a	Irrigation systems.
50 .....	.....	.....	1	Wholesale trade-durable goods.
	501	.....	1	Motor vehicles and motor vehicle parts and supplies.

Wage and Hour Division, Labor

Pt. 510, App. B

NONMANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
51 .....	.....	5012	a	Automobiles and other motor vehicles.
	.....	5013	1	Motor vehicle supplies and new parts.
	.....	5014	1	Tires and tubes.
	502 .....	.....	1	Furniture and homefurnishings.
	.....	5021	2	Furniture.
	.....	5023	1	Homefurnishings.
	503 .....	.....	2	Lumber and other construction materials.
	.....	5031	2	Lumber, plywood, millwork, and wood panels.
	.....	5039	1	Construction materials, not elsewhere classified.
	504 .....	.....	1	Professional and commercial equipment and supplies.
	.....	5043	1	Photographic equipment and supplies.
	.....	5046	1	Commercial equipment, not elsewhere classified.
	.....	5049	1	Professional equipment and supplies, not elsewhere classified.
	505 .....	.....	1	Metals and minerals, except petroleum.
	.....	5051	1	Metals service centers and offices.
	506 .....	.....	1	Electrical goods.
	.....	5063	1	Electrical apparatus and equipment, wiring supplies and construction materials.
	.....	5064	1	Electrical appliances, television and radio sets.
	.....	5065	1	Electronic parts and equipment, not elsewhere classified.
	507 .....	.....	1	Hardware, and plumbing and heating equipment and supplies.
	.....	5072	1	Hardware.
	.....	5074	1	Plumbing and heating equipment and supplies (hydronics).
	.....	5075	a	Warm air heating and air-conditioning equipment and supplies.
	.....	5078	a	Refrigeration equipment and supplies.
	508 .....	.....	1	Machinery, equipment, and supplies.
	.....	5082	1	Construction and mining (except petroleum) machinery and equipment.
	.....	5083	a	Farm and garden machinery and equipment.
	.....	5084	1	Industrial machinery and equipment.
	.....	5085	1	Industrial supplies.
	.....	5087	2	Service establishment equipment and supplies.
	509 .....	.....	1	Miscellaneous durable goods.
	.....	5091	a	Sporting and recreational goods and supplies.
	.....	5092	1	Toys and hobby goods and supplies.
	.....	5093	1	Scrap and waste materials.
	.....	5094	1	Jewelry, watches, precious stones, and precious metals.
	.....	5099	1	Durable goods, not elsewhere classified.
	511 .....	.....	1	Wholesale trade—nondurable goods.
	.....	5111	1	Paper and paper products.
	.....	5112	1	Printing and writing paper.
	.....	5113	3	Stationery and office supplies.
	512 .....	.....	1	Industrial and personal service paper.
	.....	5122	1	Drugs, drug proprietaries, and druggists' sundries.
	513 .....	.....	1	Drugs, drug proprietaries, and druggists' sundries.
	.....	5131	2	Apparel, piece goods, and notions.
	.....	5136	2	Piece goods, notions, and other dry goods.
	.....	5137	1	Men's and boys' clothing and furnishings.
	.....	5139	3	Women's, children's, and infants' clothing and accessories.
	514 .....	.....	2	Footwear.
	.....	5141	1	Groceries and related products.
	.....	5142	1	Groceries, general line.
	.....	5143	1	Packaged frozen foods.
	.....	5144	a	Dairy products, except dried or canned.
	.....	5145	3	Poultry and poultry products.
	.....	5146	a	Confectionery.
	.....	5147	a	Fish and seafoods.
	.....	5148	a	Meats and meat products.
	.....	5149	1	Fresh fruits and vegetables.
	515 .....	.....	1	Groceries and related products, not elsewhere classified.
	.....	5154	a	Farm-product raw materials.
	516 .....	.....	a	Livestock.
.....	5169	1	Chemicals and allied products.
	517 .....	.....	1	Chemicals and allied products, not elsewhere classified.
.....	5171	1	Petroleum and petroleum products.
.....	5172	1	Petroleum bulk stations and terminals.
	518 .....	.....	1	Petroleum and petroleum products wholesalers, except bulk stations and terminals.
.....	5181	1	Beer, wine and distilled alcoholic beverages.
	519 .....	.....	1	Beer and ale.
.....	.....	1	Miscellaneous nondurable goods.

NONMANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
52	5191	3	Farm supplies.
	5194	3	Tobacco and tobacco products.
	5198	b	Paints, varnishes, and supplies.
	5199	1	Nondurable goods, not elsewhere classified.
	521	2	Building materials, hardware, garden supply, and mobile home dealers.
	5211	3	Lumber and other building materials dealers.
	523	3	Lumber and other building materials dealers.
	5231	1	Paint, glass, and wallpaper stores.
	525	1	Paint, glass, and wallpaper stores.
	5251	2	Hardware stores.
	526	2	Hardware stores.
	5261	3	Retail nurseries, lawn and garden supply stores.
53	531	3	Retail nurseries, lawn and garden supply stores.
	5311	1	General merchandise stores.
	533	1	Department stores.
	5331	2	Department stores.
	539	2	Variety stores.
54	5399	2	Variety stores.
	541	3	Miscellaneous general merchandise stores.
	5411	3	Miscellaneous general merchandise stores.
	542	2	Food stores.
	5421	2	Grocery stores.
	543	2	Grocery stores.
	5431	1	Meat and fish (seafood) markets, including freezer provisioners.
	546	1	Meat and fish (seafood) markets, including freezer provisioners.
	5461	a	Meat and fish (seafood) markets, including freezer provisioners.
	549	3	Fruit and vegetable markets.
55	5499	3	Fruit and vegetable markets.
	551	3	Retail bakeries.
	5511	3	Retail bakeries.
	552	3	Retail bakeries.
	5521	3	Miscellaneous food stores.
	553	3	Miscellaneous food stores.
	5531	1	Automotive dealers and gasoline service stations.
	554	1	Motor vehicle dealers (new and used).
	5541	1	Motor vehicle dealers (new and used).
	561	2	Motor vehicle dealers (used only).
56	5611	2	Motor vehicle dealers (used only).
	562	1	Auto and home supply stores.
	5621	1	Auto and home supply stores.
	563	3	Gasoline service stations.
	5632	3	Gasoline service stations.
	564	3	Apparel and accessory stores.
	5641	3	Men's and boys' clothing and accessory stores.
	565	3	Men's and boys' clothing and accessory stores.
	5651	3	Women's clothing stores.
	566	3	Women's clothing stores.
57	5661	3	Women's accessory and specialty stores.
	569	3	Women's accessory and specialty stores.
	5699	3	Children's and infants' wear stores.
	571	3	Children's and infants' wear stores.
	5712	3	Children's and infants' wear stores.
	5713	3	Family clothing stores.
	5714	3	Family clothing stores.
	5719	2	Shoe stores.
	572	2	Shoe stores.
	5722	3	Miscellaneous apparel and accessory stores.
58	573	3	Miscellaneous apparel and accessory stores.
	5731	2	Home furniture, furnishings, and equipment stores.
	5735	2	Home furniture and furnishings stores.
	5751	2	Furniture stores.
	5752	a	Floor covering stores.
59	5753	3	Drapery, curtain, and upholstery stores.
	5754	1	Miscellaneous homefurnishings stores.
	5755	1	Household appliance stores.
60	5756	1	Household appliance stores.
	5757	2	Radio, television, consumer electronics, and music stores.
61	5758	a	Radio, television, and consumer electronics stores.
	5759	1	Record and prerecorded tape stores.
62	5760	1	Eating and drinking places.
	5761	1	Eating and drinking places.
63	5762	1	Eating and drinking places.
	5763	1	Miscellaneous retail.

Wage and Hour Division, Labor

Pt. 510, App. B

NONMANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
	591	.....	1	Drug stores and proprietary stores.
	.....	5912	1	Drug stores and proprietary stores.
	592	.....	a	Liquor stores.
	.....	5921	a	Liquor stores.
	593	.....	3	Used merchandise stores.
	.....	5932	3	Used merchandise stores.
	594	.....	1	Miscellaneous shopping goods stores.
	.....	5941	1	Sporting goods stores and bicycle shops.
	.....	5942	1	Book stores.
	.....	5943	2	Stationery stores.
	.....	5944	1	Jewelry stores.
	.....	5945	3	Hobby, toy, and game shops.
	.....	5946	2	Camera and photographic supply stores.
	.....	5947	3	Gift, novelty, and souvenir shops.
	.....	5949	3	Sewing, needlework, and piece goods stores.
	596	.....	a	Nonstore retailers.
	.....	5962	a	Automatic merchandising machine operators.
	.....	5963	a	Direct selling establishments.
	598	.....	2	Fuel dealers.
	.....	5984	2	Liquefied petroleum gas (bottled gas) dealers.
	599	.....	1	Retail stores, not elsewhere classified.
	.....	5992	3	Florists.
	.....	5999	1	Miscellaneous retail stores, not elsewhere classified.
60	.....	.....	1	Depository institutions.
	602	.....	1	Commercial banks.
	.....	6021	1	National commercial banks.
	.....	6022	1	State commercial banks.
	.....	6029	1	Commercial banks, not elsewhere classified.
	603	.....	1	Savings institutions.
	.....	6035	1	Savings institutions, Federally chartered.
	.....	6036	1	Savings institutions, not Federally chartered.
	606	.....	1	Credit unions.
	.....	6061	1	Credit unions, Federally chartered.
	.....	6062	1	Credit unions, not Federally chartered.
	609	.....	2	Functions related to depository banking.
	.....	6099	2	Functions related to depository banking, not elsewhere classified.
61	.....	.....	1	Nondepository credit institutions.
	614	.....	1	Personal credit institutions.
	.....	6141	1	Personal credit institutions.
	615	.....	1	Business credit institutions.
	.....	6153	b	Short-term business credit institutions, except agricultural.
	.....	6159	1	Miscellaneous business credit institutions.
	616	.....	1	Mortgage bankers and brokers.
	.....	6162	1	Mortgage bankers and loan correspondents.
62	.....	.....	1	Security and commodity brokers, dealers, exchanges, and services.
	621	.....	1	Security brokers, dealers, and flotation companies.
	.....	6211	1	Security brokers, dealers, and flotation companies.
	622	.....	a	Commodity contracts brokers and dealers.
	.....	6221	a	Commodity contracts brokers and dealers.
63	.....	.....	1	Insurance carriers.
	631	.....	1	Life insurance.
	.....	6311	1	Life insurance.
	632	.....	1	Accidental and health insurance and medical service plans.
	.....	6321	1	Accident and health insurance.
	.....	6324	b	Hospital and medical service plans.
	633	.....	1	Fire, marine, and casualty insurance.
	.....	6331	1	Fire, marine, and casualty insurance.
	635	.....	1	Surety insurance.
	.....	6351	1	Surety insurance.
	636	.....	b	Title insurance.
	.....	6361	b	Title insurance.
	637	.....	1	Pension, health, and welfare funds.
	.....	6371	1	Pension, health, and welfare funds.
64	.....	.....	1	Insurance agents, brokers, and service.
	641	.....	1	Insurance agents, brokers, and service.
	.....	6411	1	Insurance agents, brokers, and service.
65	.....	.....	1	Real estate.
	651	.....	1	Real estate operators (except developers) and lessors.
	653	.....	1	Real estate agents and managers.
	.....	6531	1	Real estate agents and managers.

NONMANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
70	655 .....	.....	1	Land subdividers and developers.
	.....	6552	1	Land subdividers and developers, except cemeteries.
	.....	6553	a	Cemetery subdividers and developers.
	701 .....	.....	1	Hotels, rooming houses, camps, and other lodging places.
	.....	7011	1	Hotels and motels.
72 .....	.....	7011	1	Hotels and motels.
	702 .....	.....	1	Rooming and boarding houses.
	.....	7021	1	Rooming and boarding houses.
	.....	.....	1	Personal services.
	721 .....	.....	2	Laundry, cleaning, and garment services.
73 .....	.....	722	3	Photographic studios, portrait.
	.....	7221	3	Photographic studios, portrait.
	723 .....	.....	1	Beauty shops.
	.....	7231	1	Beauty shops.
	724 .....	.....	1	Barber shops.
74 .....	.....	7241	1	Barber shops.
	725 .....	.....	2	Shoe repair shops and shoeshine parlors.
	.....	7251	2	Shoe repair shops and shoeshine parlors.
	726 .....	.....	1	Funeral service and crematories.
	.....	7261	1	Funeral service and crematories.
75	729 .....	.....	1	Miscellaneous personal services.
	.....	7299	1	Miscellaneous personal services, not elsewhere classified.
	731 .....	.....	2	Business services.
	.....	7311	1	Advertising.
	.....	7312	1	Advertising agencies.
76 .....	.....	7319	a	Outdoor advertising services.
	732 .....	.....	a	Advertising, not elsewhere classified.
	.....	.....	b	Consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies.
	.....	7323	b	Credit reporting services.
	733 .....	.....	2	Mailing, reproduction, commercial art and photography, and stenographic services.
77 .....	.....	7338	2	Secretarial and court reporting services.
	734 .....	.....	3	Services to dwellings and other buildings.
	.....	7342	3	Disinfecting and pest control services.
	7349 .....	.....	3	Building cleaning and maintenance services, not elsewhere classified.
	735 .....	.....	1	Miscellaneous equipment rental and leasing.
78 .....	.....	7359	1	Equipment rental and leasing, not elsewhere classified.
	736 .....	.....	2	Personnel supply services.
	.....	7361	2	Employment agencies.
	.....	7363	2	Help supply services.
	737 .....	.....	1	Computer programming, data processing, and other computer related services.
79 .....	.....	7372	1	Prepackaged software.
	.....	7374	1	Computer processing and data preparation and processing services.
	.....	7379	1	Computer related services, not elsewhere classified.
	738 .....	.....	3	Miscellaneous business services.
	.....	7382	3	Security systems services.
80 .....	.....	7384	1	Photofinishing laboratories.
	.....	7389	1	Business services, not elsewhere classified.
	751 .....	.....	1	Automotive repair, services, and parking.
	.....	7513	1	Automotive rental and leasing, without drivers.
	.....	7514	3	Truck rental and leasing, without drivers.
81	752 .....	.....	1	Passenger car rental.
	.....	7521	3	Automobile parking.
	753 .....	.....	3	Automobile parking.
	.....	7532	1	Automotive repair shops.
	.....	7534	2	Top, body, and upholstery repair shops and paint shops.
82 .....	.....	7538	1	Tire retreading and repair shops.
	.....	7539	3	General automotive repair shops.
	754 .....	.....	2	Automotive repair shops, not elsewhere classified.
	.....	7542	3	Automotive services, except repair.
	.....	7549	3	Carwashes.
83 .....	.....	.....	3	Automotive services, except repair and carwashes.
	762 .....	.....	1	Miscellaneous repair services.
	.....	7622	1	Electrical repair shops.
	.....	7623	3	Radio and television repair shops.
	.....	7629	1	Refrigeration and air-conditioning service and repair shops.
84	763 .....	.....	1	Electrical and electronic repair shops, not elsewhere classified.
	.....	.....	2	Watch, clock, and jewelry repair.

Wage and Hour Division, Labor

Pt. 510, App. B

NONMANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
78	.....	7631	2	Watch, clock, and jewelry repair.
	764	.....	3	Reupholstery and furniture repair.
	.....	7641	3	Reupholstery and furniture repair.
	769	.....	1	Miscellaneous repair shops and related services.
	.....	7692	2	Welding repair.
	.....	7694	1	Armature rewinding shops.
	.....	7699	1	Repair shops and related services, not elsewhere classified.
	781	.....	1	Motion pictures.
	.....	7812	1	Motion picture production and allied services.
	782	.....	1	Motion picture and video tape production.
	.....	7822	2	Motion picture distribution and allied services.
	783	.....	2	Motion picture and video tape distribution.
	.....	7832	3	Motion picture theaters.
	.....	7833	3	Motion picture theaters, except drive-in.
79	.....	7833	a	Drive-in motion picture theaters.
	791	.....	1	Amusement and recreation services.
	.....	7911	2	Dance studios, schools, and halls.
	792	.....	2	Dance studios, schools, and halls.
	.....	7929	a	Theatrical producers (except motion picture), bands, orchestras, and entertainers.
	793	.....	a	Bands, orchestras, actors, and other entertainers and entertainment groups.
	.....	7933	3	Bowling centers.
	794	.....	3	Bowling centers.
	.....	7941	a	Commercial sports.
	799	.....	a	Professional sports clubs and promoters.
80	.....	7948	a	Racing, including track operation.
	799	.....	2	Miscellaneous amusement and recreation services.
	.....	7993	2	Coin-operated amusement devices.
	.....	7997	1	Membership sports and recreation clubs.
	7999	.....	2	Amusement and recreation services not elsewhere classified.
	801	.....	1	Health services.
	.....	8011	1	Offices and clinics of doctors of medicine.
	802	.....	1	Offices and clinics of doctors of medicine.
	.....	8021	1	Offices and clinics of dentists.
	803	.....	1	Offices and clinics of dentists.
	.....	8031	a	Offices and clinics of doctors of osteopathy.
	804	.....	a	Offices and clinics of doctors of osteopathy.
	.....	8049	1	Offices and clinics of other health practitioners.
	805	.....	1	Offices and clinics of health practitioners, not elsewhere classified.
	.....	8059	b	Nursing and personal care facilities.
	806	.....	b	Nursing and personal care facilities, not elsewhere classified.
	.....	8062	1	Hospitals.
	8063	.....	1	General medical and surgical hospitals.
	8069	.....	1	Psychiatric hospitals.
	807	.....	1	Specialty hospitals, except psychiatric.
	.....	8071	1	Medical and dental laboratories.
	8072	.....	1	Medical laboratories.
	809	.....	a	Dental laboratories.
	.....	8099	1	Miscellaneous health and allied services, not elsewhere classified.
81	811	.....	1	Health and allied services, not elsewhere classified.
	.....	8111	1	Legal services.
	811	.....	1	Legal services.
82	821	.....	1	Educational services.
	.....	8211	2	Elementary and secondary schools.
	822	.....	2	Elementary and secondary schools.
	.....	8221	1	Colleges, universities, professional schools, and junior colleges.
	8222	.....	1	Colleges, universities, and professional schools.
	.....	8222	1	Junior colleges and technical institutes.
	824	.....	2	Vocational schools.
	.....	8243	a	Data processing schools.
	8244	.....	2	Business and secretarial schools.
	8249	.....	2	Vocational schools, not elsewhere classified.
83	829	.....	1	Schools and educational services, not elsewhere classified.
	8299	.....	1	Schools and educational services, not elsewhere classified.
	832	.....	1	Social services.
	.....	8322	1	Individual and family social services.
	833	.....	3	Individual and family social services.
	.....	8331	3	Job training and vocational rehabilitation services.
	8331	.....	3	Job training and vocational rehabilitation services.

NONMANUFACTURING INDUSTRIES—Continued

Major group	Industry group number	Industry number	Tier	Industry
	835	.....	1	Child day care services.
	.....	8351	1	Child day care services.
	836	.....	2	Residential care.
	.....	8361	2	Residential care.
	839	.....	a	Social services, not elsewhere classified.
	.....	8399	a	Social services, not elsewhere classified.
84	.....	.....	3	Museums, art galleries, and botanical and zoological gardens.
	841	.....	3	Museums and art galleries.
	.....	8412	3	Museums and art galleries.
86	.....	.....	1	Membership organizations.
	861	.....	1	Business associations.
	.....	8611	1	Business associations.
	862	.....	1	Professional membership organizations.
	.....	8621	1	Professional membership organizations.
	863	.....	1	Labor unions and similar labor organizations.
	.....	8631	1	Labor unions and similar labor organizations.
	864	.....	2	Civic, social, and fraternal associations.
	.....	8641	2	Civic, social, and fraternal associations.
	866	.....	2	Religious organizations.
	.....	8661	2	Religious organizations.
	869	.....	2	Membership organizations, not elsewhere classified.
	.....	8699	2	Membership organizations, not elsewhere classified.
87	.....	.....	1	Engineering, accounting, research, management, and related services.
	871	.....	1	Engineering, architectural, and surveying services.
	.....	8711	1	Engineering services.
	872	.....	1	Accounting, auditing, and bookkeeping services.
	.....	8721	1	Accounting, auditing, and bookkeeping services.
	873	.....	1	Research, development, and testing services.
	.....	8733	1	Noncommercial research organizations.
88	.....	.....	3	Private households.
	881	.....	3	Private households.
	.....	8811	3	Private households.

"a"—Category contained less than three responding employers or one responding employer had more than 80 percent of the employment in the category.

"b"—Firm(s) declined to furnish waivers in these categories.

¹Survey data reported on the basis of SIC code 5810. Data were not broken down by SIC 5812, Eating places, and 5813 Drinking places (Alcoholic beverages).

[55 FR 12120, Mar. 30, 1990; 55 FR 12778, Apr. 5, 1990, as amended at 55 FR 39577, Sept. 27, 1990; 55 FR 53248, Dec. 27, 1990; 57 FR 1104, Jan. 10, 1992]

APPENDIX C TO PART 510—GOVERNMENT CORPORATIONS ELIGIBLE FOR MINIMUM WAGE PHASE-IN

This appendix contains a listing of the public organizations (corporations) in Puerto Rico for which data have been provided by the Commonwealth for purposes of implementing the 1989 Amendments to FLSA. Such Corporations are subject to Tiers 1, 2, or 3, as set forth below. Corporations which are listed under Tier 3 may pay rates specified under Tier 4 to employees engaged in traditional activities, as defined in §510.25 of the regulations. All other employees are subject to Tier 3. Organizations for which no data were provided are subject to Tier 1 treatment.

Tier	Organization
1	Automobile Accidents Compensation Administration.

Tier	Organization
1	Cardiovascular Center Corporation of Puerto Rico and the Caribbean.
2	Culebra Conservation and Development Authority.
3	Government Development Bank of Puerto Rico.
1	Highway Authority.
2	Industries for the Blind, Mentally Retarded, and other Disabled Persons of Puerto Rico.
1	Institute of Puerto Rican Culture.
2	Corporation for the Development and Administration of Marine, Lacustrine, and Fluvial Resources of Puerto Rico.
1	Metropolitan Bus Authority.
2	Puerto Rico Mineral Resource Development Corporation.
1	Musical Arts Corporation.
1	Public Building Authority.
1	Puerto Rico Institute of Cinematographic and Television Arts and Industries.
1	Puerto Rico Aqueducts and Sewer Authority.
1	Puerto Rico Communications Authority.
1	Puerto Rico Land Administration.
1	Puerto Rico Marine Shipping Authority.
1	Puerto Rico Medical Service Administration.
1	Puerto Rico Ports Authority.
1	Puerto Rico Musical Performing Arts Corporation.

Wage and Hour Division, Labor

Pt. 511

Tier	Organization
2	Puerto Rico Rural Development Corporation.
3	Puerto Rico Sugar Board.
1	Puerto Rico Telephone Company.
2	Puerto Rico Solid Waste Management Authority.
1	Puerto Rico Housing Bank.
1	Puerto Rico Tourism Company.
3	Puerto Rico Renewal and Housing Corporation.
3	Puerto Rico Industrial Development Bank.
3	Recreational Development Company.
2	Right to Work Administration.

APPENDIX D TO PART 510—MUNICIPALITIES ELIGIBLE FOR MINIMUM WAGE PHASE-IN

This appendix contains a listing of the municipalities in Puerto Rico and the tier applicable to each. Municipalities with average hourly earnings below \$4.65 but equal to or greater than \$4.00 are subject to Tier 2, as set forth below. Municipalities with average hourly earnings under \$4.00 are subject to Tier 3. Municipalities which are listed under Tier 3 may pay the rates specified under Tier 4 to employees engaged in traditional activities, as defined in §510.25 of the regulations. All other employees are subject to Tier 3. Municipalities which did not submit data are subject to Tier 1. The tiers set forth below are subject to petitions for review by affected employees, if filed prior to June 1, 1990. If upon review it is determined that the municipality should have been subject to Tier 1 or 2, back wages will have to be paid to April 1, 1990, to make up the difference between what municipal employees were paid and what they should have been paid.

Tier	Municipality
3	Adjuntas.
3	Aguada.
3	Aguadilla.
3	Aguas Buenas.
3	Aibonito.
3	Añasco.
3	Arecibo.
3	Arroyo.
3	Barceloneta.
3	Barranquitas.
3	Bayamon.
3	Cabo Rojo.
3	Caguas.
3	Camuy.
2	Canovanas.
3	Carolina.
3	Cataño.
3	Cayey.
2	Ceiba.
3	Ciales.
3	Cidra.
3	Coamo.
2	Comerio.
3	Corozal.
3	Culebra.
2	Dorado.
3	Fajardo.
3	Florida.
3	Guanica.
3	Guyama.

Tier	Municipality
2	Guayanilla.
3	Guaynabo.
3	Guarbo.
3	Hatillo.
3	Hormigueros.
3	Humacao.
3	Isabela.
3	Jayuya.
3	Juana Diaz.
3	Juncos.
2	Lajas.
3	Lares.
3	Las Marias.
3	Las Piedras.
3	Loiza.
3	Luquillo.
1	Manati.
3	Maricao.
3	Maunabo.
3	Mayaguez.
2	Moca.
3	Morovis.
3	Naguabo.
2	Naranjito.
3	Orocovis.
3	Patillas.
3	Peñuelas.
3	Ponce.
3	Quebradillas.
3	Rincon.
3	Rio Grande.
3	Sabana Grande.
3	Salinas.
3	San German.
2	San Juan.
3	San Lorenzo.
3	San Sebastian.
3	Santa Isabel.
3	Toa Alta.
3	Toa Baja.
2	Trujillo Alto.
3	Utua.
3	Vega Alta.
3	Vega Baja.
3	Vieques.
3	Villalba.
3	Yabucoa.
3	Yauco.

PART 511—WAGE ORDER PROCEDURE FOR AMERICAN SAMOA

Sec.

511.1 General method for issuance of wage orders.

511.2 Initiation of proceedings; notices of hearings.

511.3 Composition and appointment of committees.

511.4 Compensation of committee members.

511.5 Vacancies and dissolution of committees.

511.6 Investigation.

511.7 Committee staff.

511.8 Prehearing statements.

511.9 Requirements for quorum and decisions.

511.10 Subjects and issues.

511.11 Pertinent data.